

RECEIVED  
CENTRAL FAX CENTER  
JAN 04 2006

Chris Keirs  
832-446-2406  
Ckeirs@counselip.com

## FAX TRANSMISSION COVER SHEET

Date: 1/4/2006 10:11 AM

To: USPTO

Fax: 571.273.8300

From: Chris Keirs

Client/Matter #: 198-0002US

Re: 10/527,611

Pages (including cover page): 3

---

### COMMENTS:

In re application serial number 10/527,611  
Attached 2-page Response to Election Requirement

If there is a problem with transmission, please call (832) 446-2400

### CONFIDENTIALITY NOTICE

This communication is only for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly prohibited. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

RECEIVED  
CENTRAL FAX CENTER

JAN 04 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Daniel R. Faltysek

Serial Number: 10/527,611

Filed: 3/11/2005

For: METHOD AND APPARATUS FOR  
TURF AERIFICATION§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Confirmation No. 7271

Examiner: Alexandra K. Pechhold

Group art unit: 3671

Atty Docket No. 198-0002US

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450**RESPONSE TO ELECTION REQUIREMENT**

This Response is submitted in reply to the Office Action mailed 12/09/2005 in connection with the captioned application.

Applicant traverses the restriction requirement. The claims are to a process and an apparatus for its practice. The Office Action does not identify another, materially different apparatus that could be used to practice the process and does not state how one could "allow the [turf] drill to rotate" during insertion and "prevent the drill from rotating" by hand while withdrawing it from the soil.

Applicant provisionally elects the claims of group III for prosecution – i.e., claims 7 – 13 and 23 – 25.

## CERTIFICATE OF TRANSMISSION

I hereby certify that this document together with any papers referred to herein as "enclosed" or "attached" is being sent by facsimile machine to telephone number 571 273-8300 on the date written below.

By: \_\_\_\_\_

Christopher D. Kelrs, Reg. No. 32,248

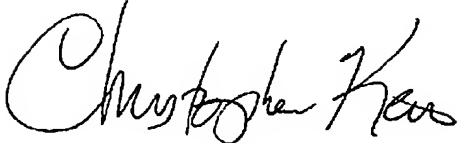
Date: \_\_\_\_\_

4 JAN 2006

s/n 10/527,611  
198-0002US

The Office Action did not place claims 21 – 22 in any group. Clarification is requested.

Respectfully submitted:



Christopher D. Keirs  
Reg. No. 32,248  
Attorney for Applicant(s)  
Wong Cabello Lutsch Rutherford & Brucculeri LLP  
20333 State Hwy. 249 Suite 600  
Houston, TX 77070  
832 446-2406  
Fax: 832 446-2424  
ckeirs@counselip.com